

**National Park Service**



# **Concession Management**

## **Commercial Use Authorizations**

**America Outdoors – Confluence 2005  
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# Concession Management Program



- **Why Commercial Use Authorizations (CUAs)?**
- **The NPS authority and implementation**
- **Implementation and consultation with business community and public**

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- **Issues identified through public comment**
- **Differences in the original published draft rule and the latest version of the draft rule**
- **NPS 2005 internal Interim Guidance**
- **What are the next steps?**

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## Why are we changing from IBPs to CUAs?

- National Parks Omnibus Management Act of 1998, 16 USC 5966 (PL 105-391)
  - express authority to issue commercial use authorizations under a specific authorization – the CUA
  - A written authorization to provide certain commercial services to visitors which are consistent with the purpose of the park.
- Replaces the current NPS “incidental business permit” program

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## Section 418 of PL 105-391 requires that:

- Services will:
  - have minimal impact on resources and values of the **unit** of the National Park System
  - be consistent with the purpose for which the unit was established and with all applicable management plans and park policies and regulations
  - be accomplished consistent with preservation and conservation of park resources and values :
- Liability of the government is limited
- A reasonable fee must be collected by the NPS for the issuance of an authorization to recover costs

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## Section 418 requirements continued:

- Two types of authorizations will be issued
  - Incidental activity commercial use authorizations (requiring that services originate and terminate outside the park)
  - In-park commercial use authorizations when gross revenue are less than \$25,000 per year.;
- Non-profit institutions are not required to obtain a CUA
- No construction will be allowed within these authorizations and;
- Maximum duration of these authorizations will be two years and do not provide for a preference in renewal.
- Number of authorizations issued must be consistent with the preservation and conservation of park resources and values

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## What have we done to implement this new legal authority?

- Proposed rule issued on November 27, 2002, closed on January 27, 2003
- Comments from organized groups, their members, individual operators and from within the NPS.
- An advisory group, established as part of the Concessions Management Advisory Board
  - review and reconcile comments
  - re-drafted proposed rule



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## Issues of Interest:

- Term of a CUA limited to two years
- No preference in renewal permitted
- Gross receipts of an in-park services CUA limited to a maximum of \$25,000
- Non-profit organizations exempted from obtaining CUAs
- Random selection when permits are limited
- Visitor use limitation
- Cumbersome application and reporting process
- Concern regarding fee and cost recovery provisions



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## After consultation and incorporation of advisory group, the NPS:

- Hired a contractor to re-draft new proposed rule
- Advisory work groups reviewed
- Legal advisors review – revised new draft proposed rule
- Issued internal interim guidance

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## What are differences from October 2002 Published Rule and the new draft Proposed Rule?

- Random selection is eliminated and emphasis will be placed on qualified applicants who can provide quality visitor services
- Clarification regarding non-profit group permitting requirements.
- CUAs will be issued for Commercial Tours
- Preamble discussion will inform public of legal requirements

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## Interim Guidance:

- Implements in very broad terms, the specific requirements of the law for units of the NPS
- Specific provisions will be adopted after rule if finalized
- Parks will be receiving in December for implementation in 2006

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- **Interim Guidance allows for parks to:**
  - Limit the number of permits for resource protection
  - Issue in-park CUA when gross receipts are expected to be less than \$25,000 annually
  - Continue current application and fee process
  - Management at the local level with consultation for some of the new provisions required with regional staff for limitations and issuance of in-park CUAs for consistency

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## Next Steps:

- Regulation revised with additional NPS input will be reviewed by a reconvened work group in early 2006
- Prepare for recommendation for approval to the Director by the Concession Management Advisory Board
  - Publish in the *Federal Register* for additional comment
- Begin to develop more specific guidance Director's Order, a reference manual and training